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Negotiation of an agreement between the United Nations and the World Tourism Organization to constitute it as a specialized agency of the United Nations system

Report of the Committee on Negotiations with Intergovernmental Agencies

1. On the recommendation of the Economic and Social Council, in its resolution 254 (LXIII) of 3 August 1977, the General Assembly approved, by its resolution 32/156 of 19 December 1977, the Agreement on Cooperation and Relationships between the United Nations and the World Tourism Organization.

2. By a letter dated 21 December 2001 from the Secretary-General of the World Tourism Organization addressed to the Secretary-General of the United Nations (E/2002/5), the World Tourism Organization requested the initiation of the process of its transformation into a specialized agency of the United Nations.

3. At its substantive session of 2002, the Economic and Social Council considered this request, and by its resolution 2002/24 of 24 July 2002, authorized the President of the Council to appoint from among States members of the Council, in consultation with the chairmen of the regional groups, the members of the Committee on Negotiations with Intergovernmental Agencies. The following States members were appointed: Andorra, Argentina, Benin, Chile, Egypt, Ethiopia, France, Ghana, India, Italy, Jamaica, Libyan Arab Jamahiriya, Malaysia, Mozambique, Nepal, Nigeria, Pakistan, Peru, Republic of the Congo, Romania, Russian Federation, Senegal, South Africa, Uganda, Ukraine and Zimbabwe. The Gambia, Indonesia, Mexico, Morocco and Spain participated as observers. The Council furthermore requested the Committee to meet at an appropriate time to negotiate with the World Tourism Organization a relationship agreement between the United Nations and WTO (Tourism), on the basis of proposals submitted by the Secretary-General, and to submit a draft relationship agreement between the United Nations and WTO (Tourism) for the consideration of the Council at its substantive session of 2003.

* E/2003/100.

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4. The Committee on Negotiations with Intergovernmental Agencies met at United Nations Headquarters on 26 March and on 7, 10, 15, 16 and 17 April 2003. It held six meetings (106th to 111th meetings). The list of participants is contained in document E/C.1/2003/INF.1.

5. The President of the Council opened the 106th meeting on 26 March 2003. At that meeting, the Committee elected Marco Balarezo (Peru) Chairman of the Committee.

6. For the purpose of negotiating the relationship agreement, the Committee had before it the following documents:

(a) Letter dated 21 December 2001 from the Secretary-General of the World Tourism Organization addressed to the Secretary-General of the United Nations (E/2002/5);

(b) Note by the Secretary-General containing the text of the draft relationship agreement between the United Nations and World Tourism Organization (E/C.1/2003/1).

7. The Committee considered the text of the draft relationship agreement (E/C.1/2003/1) and approved it, with a number of amendments.

8. At its 111th meeting, on 17 April, the Committee decided to authorize its Chairman to prepare the report of the Committee and to submit it to the Economic and Social Council. At the same meeting, the Committee agreed to transmit the text of the draft agreement as agreed by the Committee to the WTO (Tourism) Committee for its consideration. The WTO Committee on Negotiations considered and approved the text of the draft agreement on 29 April.[1]

9. Pursuant to Economic and Social Council resolution 2002/24, the Committee on Negotiations with Intergovernmental Agencies herewith submits its report to the Council. The text of the Agreement as negotiated by the Committee and submitted for approval by the Council is contained in the annex to the present report.

[1] The Chairman of the Committee has received this approval in the form of a communication from the WTO (see the note by the Secretary-General containing the text of a communication from the Secretary-General of the WTO and the Chairman of the WTO Committee on Negotiations for the Conversion of the Organization into a Specialized Agency to the Chairman of the Committee on Negotiations with Intergovernmental Agencies (E/C.1/2003/2)).

Annex

Agreement between the United Nations and the World Tourism Organization

The Economic and Social Council,

Recalling General Assembly resolutions 2529 (XXIV) of 5 December 1969 and 32/156 of 19 December 1977,

Considering the Charter of the United Nations and the Statutes of the World Tourism Organization,

Considering further the provisions of Article 57 of the Charter of the United Nations and of article 3, paragraph 3, and article 31 of the Statutes of the World Tourism Organization,

Having considered the text of the draft agreement negotiated by its Committee on Negotiations with Intergovernmental Agencies and the World Tourism Organization Committee on Negotiations for the Conversion of the Organization into a Specialized Agency,

Approves the Agreement between the United Nations and the World Tourism Organization set forth in the annex to the present resolution.

Annex
Agreement between the United Nations and the World Tourism Organization

Article 1
Recognition

1. The United Nations recognizes the World Tourism Organization as a specialized agency of the United Nations responsible for taking such action as may be appropriate under its Statutes for the accomplishment of the objectives set forth therein.

2. The United Nations recognizes the decisive and central role of the World Tourism Organization, as an intergovernmental organization, in world tourism, as enshrined in its Statutes.

3. Convinced that tourism can contribute significantly to the pursuit of the shared objectives of achieving sustainable development and poverty eradication, the United Nations notes that, in accordance with its Statutes, the World Tourism Organization shall pay particular attention to the interests of the developing countries in the field of tourism.

Article 2
Coordination and cooperation

1. In its relations with the United Nations, its organs and the agencies of the United Nations system, the World Tourism Organization recognizes the coordinating role, as well as the comprehensive responsibilities in promoting economic and social

development, of the General Assembly and the Economic and Social Council under the Charter of the United Nations.

2. In exercise of its central coordinating role in the field of tourism undertaken in accordance with its Statutes and with a view to contributing to economic and social development, in particular, opportunities for poverty eradication and employment creation in the least developed countries, the World Tourism Organization recognizes the need for effective coordination and cooperation with the United Nations, its organs and the agencies within the United Nations system.

3. The World Tourism Organization, accordingly, agrees to cooperate with the United Nations in whatever measure may be necessary to effect the required coordination of policies and activities.

4. The World Tourism Organization agrees further to participate in, and to cooperate with, any body or bodies which have been established or may be established by the United Nations for the purpose of facilitating such cooperation and coordination, in particular through membership in the United Nations System Chief Executives Board for Coordination, and to furnish such information as may be required for the carrying out of this purpose.

5. The World Tourism Organization shall inform the Economic and Social Council of matters of inter-agency concern within its competence, and of any formal agreement on such matters to be concluded between the World Tourism Organization and another agency within the United Nations system.

Article 3
Reciprocal representation

1. Representatives of the United Nations shall be invited to attend the meetings of the General Assembly and the Executive Council of the World Tourism Organization and their subsidiary organs, and to participate, without the right to vote, in the deliberations of these bodies. Written statements presented by the United Nations shall be distributed by the secretariat of the World Tourism Organization to the members of the above-mentioned bodies, in accordance with the relevant rules of procedure.

2. Representatives of the World Tourism Organization shall be invited to attend meetings and to participate, without the right to vote and in accordance with the relevant rules of procedure, in the deliberations of the Economic and Social Council, its commissions and committees, of the Main Committees and other organs of the General Assembly and of the conferences and meetings of the United Nations, with respect to items on their agenda relating to matters within the scope of the activities of the World Tourism Organization and other matters of mutual interest. Written statements presented by the World Tourism Organization shall be distributed by the Secretariat of the United Nations to the members of the above-mentioned bodies, in accordance with the relevant rules of procedure.

3. Representatives of the World Tourism Organization shall be invited, for purposes of consultation, to attend meetings of the General Assembly when matters defined in paragraph 2 of this article are under consideration.

Article 4
Proposals of agenda items

1. After such preliminary consultations as may be necessary, the World Tourism Organization shall arrange for the inclusion in the agenda of its General Assembly, the Executive Council or their subsidiary bodies, as appropriate, items proposed by the United Nations.

2. After such preliminary consultations as may be necessary, the United Nations shall arrange for the inclusion in the agenda of the Economic and Social Council or, as appropriate and in accordance with the relevant rules of procedure, of other organs or bodies of the United Nations of items proposed by the World Tourism Organization.

Article 5
Recommendations of the United Nations

1. Having regard to the obligations of the United Nations to promote the objectives set forth in Article 55 of the Charter of the United Nations and the functions and powers of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the coordination of the policies and activities of such specialized agencies, the World Tourism Organization agrees to arrange for the submission, as soon as possible, to the appropriate organ of the World Tourism Organization of all formal recommendations which the United Nations may make to it.

2. The World Tourism Organization agrees to enter into consultations with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the World Tourism Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

Article 6
Assistance to the United Nations

In accordance with the Charter of the United Nations and the Statutes of the World Tourism Organization, the World Tourism Organization shall cooperate with the United Nations by furnishing to it to the fullest extent possible such special information or studies, and by rendering such assistance to it, as the United Nations may request.

Article 7
Regular reports

The World Tourism Organization shall submit to the United Nations regular reports on its activities.

Article 8
Exchange of information and documents

Subject to such arrangements as may be necessary for the safeguarding of confidential material, full and prompt exchange of appropriate information and documents shall be made between the United Nations and the World Tourism Organization.

Article 9
Public information

Having regard to the aim of the World Tourism Organization, as defined in article 3, paragraph 1, of its Statutes, and with a view to coordinating the activities of the World Tourism Organization in this field with the operations of the information services of the United Nations, supplementary arrangements regarding these matters shall be concluded between the United Nations and the World Tourism Organization.

Article 10
Relations with the International Court of Justice

1. The World Tourism Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly of the United Nations authorizes the World Tourism Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships between the United Nations and the World Tourism Organization or other specialized agencies.

3. Such requests may be addressed to the International Court of Justice by the General Assembly or by the Executive Council of the World Tourism Organization acting in pursuance of an authorization by the General Assembly of the World Tourism Organization.

4. When requesting the International Court of Justice to give an advisory opinion, the World Tourism Organization shall inform the Economic and Social Council of the request.

Article 11
Non-Self-Governing and other Territories

The World Tourism Organization agrees to cooperate within the fields of its competence with the United Nations in giving effect to the principles and obligations set forth in Chapters XI, XII and XIII of the Charter of the United Nations and other internationally recognized principles and obligations regarding colonial countries and peoples, and taking into account the relevant resolutions of the General Assembly of the United Nations, with regard to matters affecting the well-being and development of the peoples of the Non-Self-Governing and other Territories.

Article 12
Technical assistance

The United Nations and the World Tourism Organization undertake to work together in the provision of technical assistance in the field of tourism and tourism development. In particular, they undertake to avoid undesirable duplication of activities and services and agree to take such measures as may be required to achieve effective coordination within the framework of existing coordinating machinery in the field of technical assistance, taking into account the respective roles and responsibilities of the United Nations and the World Tourism Organization under their constituent instruments, as well as those of other organizations participating in technical assistance activities. To this end, the World Tourism Organization recognizes the overall responsibilities of the resident coordinators for operational activities for development, as formulated in the relevant General Assembly resolutions. As one of the smaller specialized agencies without field representation, the World Tourism Organization may use resident coordinators to ensure its representation and promote its role.

Article 13
Statistical services

1. The United Nations and the World Tourism Organization agree to strive for the maximum cooperation, the elimination of all undesirable duplication between them and the most efficient use of personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information, to guarantee close coordination in their respective statistical related initiatives and to minimize the burden placed upon Governments and other organizations from which such information may be collected.

2. The World Tourism Organization recognizes that the United Nations is the central agency for the collection, analysis, publication, standardization and improvement of tourism statistics serving the general purposes of international organizations.

3. The United Nations recognizes the World Tourism Organization as the appropriate organization to collect, to analyse, to publish, to standardize and to improve the statistics of tourism, and to promote the integration of these statistics within the sphere of the United Nations system.

Article 14
Administrative cooperation

1. The United Nations and the World Tourism Organization recognize the desirability of cooperation in administrative matters of mutual interest.

2. Accordingly, the United Nations and the World Tourism Organization undertake to consult together, and with other agencies concerned within the United Nations system, from time to time concerning these matters, particularly the most efficient and harmonized use of facilities, staff and services and appropriate methods of avoiding the establishment and operation of competitive or overlapping facilities and services with a view to securing as much uniformity in these matters as possible.

3. The consultations referred to in this article shall be utilized to establish the most equitable manner in which any special services or assistance furnished, on request, by the World Tourism Organization to the United Nations or by the United Nations to the World Tourism Organization shall be financed subject to supplementary arrangements to be concluded for that purpose.

4. The consultations referred to in this article shall also explore the possibility of continuing or establishing common facilities or services in specific areas, including the possibility of one organization providing such facilities or services to one or several other organizations, and establish the most equitable manner in which such facilities or services shall be financed subject to supplementary arrangements to be concluded for that purpose.

Article 15
Regional and branch offices

Any regional or branch offices which the World Tourism Organization may establish shall closely cooperate with the regional or branch offices which the United Nations has established or may establish, in particular the offices of the regional commissions and of the resident coordinators.

Article 16
Personnel arrangements

1. The United Nations and the World Tourism Organization agree to develop, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable and beneficial interchange of personnel. For this purpose the World Tourism Organization agrees to accept the Statute of the International Civil Service Commission and participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of those Regulations.

2. The United Nations and the World Tourism Organization agree to cooperate to the fullest extent possible in achieving these ends, and in particular they agree:

(a) To consult together from time to time concerning matters of mutual interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;

(b) To cooperate in the interchange of personnel when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(c) To cooperate with the agencies of the United Nations system in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

3. The terms and conditions under which any facilities or services of the United Nations or the World Tourism Organization in connection with the matters referred to in this article are to be extended to the other shall, where necessary, be the subject

of supplementary arrangements concluded for this purpose pursuant to article 20 of this Agreement.

Article 17
Budgetary and financial matters

1. The World Tourism Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and the agencies within the United Nations system shall be carried out in the most efficient and economic manner possible, and that the maximum measure of coordination and uniformity with respect to these operations shall be secured.

2. The World Tourism Organization agrees to accept the Statute of the Joint Inspection Unit.

3. The World Tourism Organization agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.

4. Financial and budgetary arrangements that may be entered into between the United Nations and the World Tourism Organization shall be approved in accordance with their respective constitutive instruments.

5. In the preparation of the budget of the World Tourism Organization, the Secretary-General of the World Tourism Organization shall consult with the Secretary-General of the United Nations with a view to achieving, insofar as practicable, uniformity in presentation of the budgets of the United Nations and of the agencies within the United Nations system for the purposes of providing a basis for comparison of the several budgets without precluding the use by each organization of different currencies to formulate their budgets.

6. The World Tourism Organization agrees to transmit its proposed budgets to the United Nations not later than when the said budgets are transmitted to its members so as to enable the General Assembly of the United Nations to examine them and make recommendations, in accordance with Article 17, paragraph 3, of the Charter of the United Nations.

7. Representatives of the World Tourism Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof established by it, at all times when the budget of the World Tourism Organization or general administrative or financial questions concerning the World Tourism Organization are under consideration.

Article 18
United Nations laissez-passer

Officials of the World Tourism Organization shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Secretary-General of the World Tourism Organization, to use laissez-passer of the United Nations.

Article 19
Implementation of the Agreement

The Secretary-General of the United Nations and the Secretary-General of the World Tourism Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article 20
Amendment and revision

This Agreement may be amended or revised by agreement between the United Nations and the World Tourism Organization, and any such amendment or revision shall come into force on its approval by the General Assembly of the United Nations and the General Assembly of the World Tourism Organization.

Article 21
Entry into force

This Agreement enters into force on its approval by the General Assembly of the United Nations and the General Assembly of the World Tourism Organization.